IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 197 OF 2007
IN
STAMP NUMBER MAIN NO. 1798 OF 2007

SHRI. SIDDHANATH GANGADATA PANDEY ... Applicant
Versus
SHRI. SANTOSH NAIK ... Respondent

Mr. Judas Chagas Silva, Advocate for the applicant.
Mr.Shivan Dessai, Advocat for the respondent.

Coram:- D. B. BHOSALE, J.

Date:- 13th December, 2007

P.C.

By this Criminal Misc. Application, the applicant has prayed for leave to file an appeal against the judgment and order dated 28.5.2007 passed by the Judicial Magistrate, First Class in Criminal Case No.900/OA/NI/2005/II by which the accused has been acquitted of the offence punishable U/s.138 of the Negotiable Instruments Act. I perused the judgment and more particularly paragraph 13 thereof. I am satisfied that the reasons recorded by the learned Judge, are sufficient to hold that the accused has probablised his defence and has thereby discharged the legal presumption that the cheque was issued for the repayment of debt due to the complainant. In the circumstances, this application is rejected and consequently, the Cri.M.A.197/2007 also stands disposed of.

D. B. BHOSALE, J.

SMA